IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.1661 OF 2007

Irfan Nazir Sayed ..Petitioner.
Vs.
State of Maharashtra and others ..Respondents.

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Mr. P.M. Havnur for the Petitioner.
Mr. P.G. Lad, AGP for the State.
Ms. Abha Gupta i/b M/s. Utangale & Co. for Respondent No.4.
Mr. T.N. Subramanian, Senior Advocate i/b M/s. M. Gandhi & Co. for Respondent No.7.
Mr. A.R. Mishra for Respondent No.9.

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CORAM: **SMT. RANJANA DESAI &**
DR. D.Y. CHANDRACHUD, JJ.

12th October, 2007.

P.C. :

1. Heard Counsel appearing for the Petitioner and counsel appearing for the Respondents.

2. Our attention is drawn to the affidavit of Mr. Magan Chaturvedi who is the authorized signatory of Respondent No.7. In paragraph 8 the deponent has stated as under :

> "I deny that any of the slum dwellers have sold their dwellings to the Respondent No.7 or that the officers of the Respondent No.9 are hand-in-glove with the Respondent No.7 for selling slum dwellers' premises. I

> say that all these allegations are vague and devoid of any particulars."

In paragraph 18 the deponent has stated as under :

> "I say that as per the said rehabilitation, the Respondent No.7 is required to construct the rehabilitation units for the eligible slum dwellers and the said units are required to be handed over by the Respondent No.7 to Slum Authority, who in turn, will allot the same to eligible slum dwellers."

3. Counsel appearing for Respondent No.4 states that so far as the Petitioner is concerned, he is found to be eligible. He is an eligible slum dweller who has shifted to transit accommodation and he will be given accommodation by SRA when newly constructed premises will be handed over by Respondent No.7 to SRA. This statement is recorded and accepted by the Court. Insofar as the allegation made by Counsel appearing for the Petitioner that certain slum dwellers have sold their dwellings to Respondent No.7 and Respondent No.7 is profiteering from such sales is concerned, we find that such averments are absent in the present Petition. However, if there are any such instances, such persons can always adopt appropriate remedy which is available to them in accordance with law. In view of the statement made by Counsel appearing for Respondent No.4 which is accepted by us,

the Petition is disposed of.

(SMT. RANJANA DESAI, J.)

(DR. D.Y. CHANDRACHUD, J.)